percent allowed by the ASME Code Case N–514 would restrict the P–T operating window and would potentially result in undesired actuation of the LTOP system. This constitutes an unnecessary burden that can be alleviated by the application of the Code Case and reduce the potential for an undesired lift of the LTOP valve.

The licensee stated that establishing the LTOP pressure setpoints in accordance with the provisions in Code Case N–514 would provide an acceptable level of safety against overpressurization events of the Oconee RPVs. The licensee stated that establishing the LTOP setpoints in accordance with N–514 provisions such that the vessel pressure would not exceed 110 percent of the P–T limit allowables would still provide an acceptable level of safety and mitigate the potential for an inadvertent actuation of the LTOP. The Code Case dictates that when the LTOP system is enabled, the peak pressure resulting from an LTOP design-basis transient will not exceed 110 percent of the pressure limits established by the P–T limit curves for the plant, as required by 10 CFR part 50, appendix G, and by appendix G to the Code. The Code Case also requires that the LTOP system be enabled at a temperature of 200 °F or at a temperature value equivalent to the sum of the limiting adjusted reference temperature (ART) + 50 °F, whichever is greater. The staff has previously found for several other nuclear power plants that Code Case N–514 provides an ''acceptable level of safety'' based on the amount of conservatism that has been explicitly incorporated into the methodologies for generating P–T limit curves, as prescribed in 10 CFR part 50, appendix G; appendix G to the Code; and RG 1.99, Revision 2. The conservatism includes: (1) a safety factor of 2 on the pressure stresses; (2) a margin factor applied to the calculation of ART values in accordance with the methodology of RG 1.99, Revision 2; (3) an assumed flaw of one-fourth of the vessel section thickness from the inside wetted surface in the vessel beltline region with a 6:1 aspect ratio; and (4) a limiting material toughness based on dynamic crack arrest data. The staff has reviewed the proposed application of this Code Case to Oconee Units 1, 2, and 3, and found it to be acceptable.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. As stated in 10 CFR 50.12(a)(2)(ii), special circumstances exist when application of the regulation would not serve or is not necessary to achieve the underlying purpose of the rule. The staff has determined that an exemption would be required to approve the use of Code Case N–514. The staff has further determined that special circumstances are present, in that application of the regulation under these circumstances is not necessary to achieve the underlying purpose of the rule and use of Code Case N–514 would meet the underlying intent of the regulation. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR part 50, appendix G; appendix G of the Code; and RG 1.99, Revision 2, the staff concluded that permitting the LTOP setpoints to be established at the level specified in the Code Case (e.g., less than or equal to 110 percent of the limit defined by the P–T limit curves) would provide an adequate margin of safety against brittle failure of the RPVs. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations. Therefore, the staff concludes that requesting the exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N–514 may be used to establish the LTOP setpoints for the Oconee Units 1, 2, and 3 reactor coolant system.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants Duke an exemption from the requested specific requirements of 10 CFR part 50, § 50.60 and appendix G, for Oconee Nuclear Station, Units 1, 2, and 3.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment (64 FR 14950, dated March 29, 1999).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 29th day of March 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–8163 Filed 4–1–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Severe Accident Managemet; Notice of Meeting

The ACRS Subcommittee on Severe Accident Management will hold a meeting on April 30, 1999, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of this meeting may be closed to public attendance to discuss Westinghouse proprietary information pursuant to 5 U.S.C. 552(b)(c)(4).

The agenda for the subject meeting shall be as follows:

Friday, April 30, 1999—8:30 a.m. Until the Conclusion of Business

The Subcommittee will discuss the Westinghouse Owners Group's proposed revisions to the Core Damage Assessment guidelines and Post Accident Sampling System requirements for Westinghouse Electric Company nuclear power plants. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Westinghouse Owners Group, the NRC

staff, and other interested persons regarding this review. Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the scheduling of sessions which are open to the public, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415–8065) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 25, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–8162 Filed 4–1–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Tennessee Valley Authority

[Docket No. 50–259]

Browns Ferry Nuclear Plant, Unit 1; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated April 5, 1998, filed on behalf of the Union of Concerned Scientists (Petitioner) by Mr. David A. Lochbaum, pursuant to Title 10 of the *Code of Federal Regulations,* Section 2.206 (10 CFR 2.206). The Petition requests the U.S. Nuclear Regulatory Commission (NRC) to (1) revoke the operating license for Browns Ferry Nuclear Plant, Unit 1; (2) require the Tennessee Valley Authority (TVA) to submit either a decommissioning plan or a lay-up plan for Unit 1; (3) conduct NRC inspections at Browns Ferry Unit 1 against the decommissioning plan or the lay-up plan; and (4) hold a hearing in the Washington, DC, area.

The Director, Office of Nuclear Reactor Regulation, has determined to deny in part and grant in part the Petition, for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–99–06). The complete text that follows this notice is available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2210 L Street, NW., Washington, D.C., and at the local public document room for the Browns Ferry Nuclear Plant at the Athens Public Library, 405 E. South Street, Athens, Alabama 35611.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review. As provided for by 10 CFR 2.206(c), the decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 29th day of March 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation. 9

Director's Decision Pursuant to 10 CFR 2.206 (DD–99–06)

I. Introduction

On April 5, 1998, Mr. David A. Lochbaum filed a petition [1], pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), on behalf of the Union of Concerned Scientists (Petitioner).

Petitioner requested the Nuclear Regulatory Commission (NRC) to (1) revoke the operating license for Browns Ferry Nuclear Plant, Unit 1; (2) require the Tennessee Valley Authority (TVA) to submit either a decommissioning plan or a lay-up plan for Unit 1; (3) conduct NRC inspections at Browns Ferry Unit 1 against the decommissioning plan or the lay-up plan; and (4) hold a hearing in the Washington, DC, area.

As the basis for the request, Petitioner asserts that because Unit 1 has been on ''administrative hold'' since June 1, 1985, and has not operated since then, revoking the operating license and requiring relicensing if TVA later decides to restart Unit 1 is a better and safer process than is the current restart process of Inspection Manual Chapter (IMC) 0350. Further, a decommissioning plan would provide assurance that the irradiated fuel is stored safely and that Units 2 and 3 are sufficiently independent of Unit 1 for safe operation.

Petitioner notes that while Unit 1 has been in administrative hold status, the NRC has issued numerous bulletins, generic letters, and information notices. TVA's typical action in response to these NRC communications is to delay addressing the issues until prior to returning the unit to service. Petitioner notes a similar response was provided by TVA to the NRC's letter of October 9, 1996, which requested information pertaining to the adequacy, availability, and control of design-basis information [2, 3]. Petitioner speculates that the configuration management problems and plant material condition that led to the shutdown in 1985 only could have worsened since then. Thus, Petitioner believes that requiring relicensing for Unit 1 if the decision is made to restart would ''wipe the licensing slate clean and allow TVA, the NRC, and the public to examine restarting the plant without the burden of unraveling the mess caused by more than a decade of licensing limbo.'' Petitioner further asserts that the NRC cannot meaningfully inspect a facility in a degraded condition and in an uncertain licensing status.

On April 29, 1998, the NRC acknowledged receipt of the petition and informed Petitioner that the petition had been assigned to the Office of Nuclear Reactor Regulation (NRR) for response. Petitioner was informed that the request for a hearing was denied because the petition did not provide new information that raised the potential for a significant safety issue and did not allege any violations of NRC requirements. Petitioner was advised that any new information that should be considered by the NRC in evaluating the issues raised in the petition should be provided promptly to the NRC in writing.

On June 5, 1998, Petitioner reiterated the request for a hearing and cited NRC Bulletin 94–01, ''Potential Fuel Pool Draindown Caused by Inadequate Maintenance Practices at Dresden Unit

[1] The petition can be viewed and downloaded from the NRC World Wide Web page (http://www.nrc.gov/NRC/PUBLIC/2206/petitions/g980199/g980199.html). Copies of the petition also are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555–0001, and at the local public document room located at the Athens Public Library, South Street, Athens, Alabama 35611.

[2] NRC letter from James M. Taylor, Executive Director for Operations, to Craven Crowell, Chairman, TVA Board of Directors, dated October 9, 1996.

[3] This letter was sent to TVA on Browns Ferry Units 2 and 3, Sequyoah Units 1 and 2, and Watts Bar Units 1 and 2 dockets. It was not sent on the Browns Ferry Unit 1 docket because that facility was not operating, and it was known to the NRC that extensive design-basis reconstitution will be required before the facility may be restarted.

[4] The NRC concluded that the petition raised novel issues with respect to maintaining an operating license for a facility for which there are no plans for future operation and that the information that might be presented during an informal public hearing could constitute a valuable resource for the NRC in reaching a decision with regard to the petition.